

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>P.C.F. PROPERTIES IN TX, LLC</b>	§	
	§	
<b>Appellants</b>	§	
	§	
<b>vs.</b>	§	<b>CASE NO. 24-cv-04357</b>
	§	
<b>JIREH PITTS,</b>	§	
	§	
<b>Appellees</b>	§	

**P.C.F. PROPERTIES IN TX, LLC’S OBJECTION TO  
MOTION TO TRANSFER AND CONSOLIDATE (Docket No. 18) AND  
MOTION TO REMAND**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, P.C.F. PROPERTIES IN TX, LLC., Appellee, and files its objection to the Motion to Transfer and Consolidate filed by Elizabeth Thomas, Appellant (Docket No. 18), and respectfully shows the following:

**1. Factual Background**

This case involves an appeal filed by Appellant, Elizabeth Thomas, of a Consent Order remanding improperly removed cases from state court to the United States Bankruptcy Court. The Consent Order was entered by the Bankruptcy Case in Adv. No. 24-03216, on or about November 5, 2024. This case, and others, all involve a challenge to Appellee’s ownership of its property located at 8202 Terra Valley Lane, Tomball, TX 77375.

Appellee has filed its brief in this case, asserting this Court does not have appellate jurisdiction over the appeal because (1) Elizabeth Thomas does not have standing to appeal the Consent Order because she is not a debtor or a party in interest in the Andersen bankruptcy, and

(2) the Consent Order is not a final, appealable order under 28 U.S.C.1447(d). Appellee adopts the

arguments and authorities in its brief on file herein. *See*, Docket No. 15.

This appeal, which involves the attempted removal of state court litigation, is in direct violation of District Court orders entered in the following cases:

- a. Case No. 4:19-cv-00559; Order entered by Judge Hittner;
- b. Case No. 4:19-cv-04321; Order entered by Judge Hughes;
- c. Case No. 4:22-cv-00705; Order entered by Judge Bennett, and
- d. Case No. 4:22-cv-00742; Order entered by Judge Hanks.

The Bankruptcy Court has already sanctioned Elizabeth Thomas and James Andersen for violating these order0s, imposing legal fees and costs on them associated with baseless removals of other state court litigation.

## **2. Motion to Transfer and Consolidate Should be Denied**

Elizabeth Thomas, Movant, now seeks to transfer and consolidate the following cases into this appeal:

- a. Case No. 25-cv-01436; *In re P.C.F. Properties in TX, LLC, v. Pitts, et al*;
- b. Case No. 25-cv-01437; *In re P.C.F. Properties in TX, LLC, v. Pitts, et al*;
- c. Case No. 25-cv-01439; *In re P.C.F. Properties in TX, LLC. v. Pitts, et al*, and
- d. Case No. 25-cv-01467, *In re P.C.F. Properties in TX, LLC. v. Pitts, et al*.

All of these cases were also improperly removed from state court in direct, willful and intentional violation of numerous orders of the Southern District of Texas requiring pre-approval prior. Appellee has alerted this Court to the orders precluding removal in other pleadings herein. Appellee adopts the authorities and rulings in those orders herein.

Because this Court does not have appellate jurisdiction over this appeal, the Court should deny the Motion to Transfer and Consolidate.

### **3. There is No Basis for Federal Court Jurisdiction**

Assuming this Court were to entertain Appellant's Motion, Appellee would show that transfer and consolidation of these cases is inappropriate and the cases should be remanded to their respective state courts. The matters raised in this attempted removal proceeding are legal questions governed purely by Texas state law and there parties to this litigation are Texas residents. Therefore, there is no basis for federal court jurisdiction. See, 28 U.S.C. §§ 1332(a) and 1446.

The attempted removals, in violation of numerous District Court orders, were filed for an improper purpose solely to harass Appellee, hinder Appellee's quiet enjoyment of its property, and cause Appellee to incur hundreds of thousands of dollars in legal fees and costs defending its property rights. The Court should deny consolidation and remand these cases to their respective originating state courts.

Appellee maintains that Ms. Thomas, and Mr. Andersen, should be sanctioned for violating District Court orders precluding further removals. Ms. Thomas and Mr. Andersen have actually willfully, intentionally, and deliberately, with knowing disregard and disobedience of District Court orders. Ms. Thomas and Mr. Andersen have been ordered numerous times to not remove these cases without prior court approval, yet they continue to do so without regard to or respect for the Courts' prior orders. PCF prays that the Court deny the Motion to Transfer and Consolidate, remand these cases back to their respective courts of origin, and enter appropriate orders sanctioning Ms. Thomas and Mr. Andersen for willful and intentional violations of District Court orders.

### **Conclusion and Prayer**

Wherefore, premises considered, Appellee prays that this Court, after notice and a hearing, deny the Motion to Transfer and Consolidate, remand these cases to their respective state courts, and sanction Elizabeth Thomas and James Andersen for violating the District Court orders, award Appellee its legal fees and costs, and grant Appellee such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

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ATTORNEYS, P.C.F. Properties in TX, LLC

### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Remand, was served upon the Defendants at the addresses listed below by CM/ECF service on this the 25<sup>st</sup> day of April, 2025, by prepaid U.S. regular and certified mail, return receipt requested, and by email at the addresses listed below:

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